(Spl. - H.C.A.S. C.D., 78-e)
FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF BOMBAY AT GOA
PANAJI – GOA
APPELLATE SIDE
MISC. CIVIL APPLICATION NO. 584 OF 2004 IN FIRST APPEAL NO. 17 OF 1998

Office Notes, Office Memoranda of Quorum appearances, Court's orders, or directions and Registrar's orders.	Court's or Judge's Orders.

Mr. A.F. Diniz, Advocate for the applicant.

Mr. J.E. Coelho Pereira, Sr. Advocate with Mr. S. Karpe, Advocate for the respondent.

CORAM : P.V. HARDAS &
N.A. BRITTO, JJ.

DATE : 30TH AUGUST, 2004.

P.C.

The applicant is the original plaintiff in Special Civil Suit No.260/1991/A which came to be decreed by the Civil Judge, Sr. Division, Mapusa by Judgment and Decree dated 15.12.1997. Being aggrieved by the aforesaid Judgment and the Decree, the original defendants filed First Appeal No. 17/98 in this Court, which

came to be admitted by this Court on 20.4.1998. During the pendency of this appeal, the applicant who is the respondent in the first appeal and the plaintiff in the trial Court, has filed this application for permission to withdraw the said suit which was decreed by the Civil Judge, Sr. Division, at Mapusa. The applicant further prays that an amount of Rs.19,50,000/- which was deposited by the applicant/original plaintiff before the trial Court and which has been invested in a fixed deposit, be returned to the applicant along with the interest accrued thereon.

2. We have heard the learned Counsel appearing on behalf of the applicant/original plaintiff and the learned Counsel appearing on behalf of the respondent/original defendant. For the reasons disclosed in the application, we permit the applicant to withdraw the

suit filed by him and also permit him to withdraw the amount of Rs. 19,50,000/- which is deposited by the applicant and which is invested in fixed deposit in Bank of India, Mapusa to be returned to the applicant along with the interest accrued thereon. The application, therefore, stands allowed in terms of the prayer at para (4) of the application. In the circumstances, we permit the withdrawal of the suit without any costs.

P.V. HARDAS, J.

N.A. BRITTO, J.

ssm.